

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

AGENDA

Town Commission Meeting Room

4501 Ocean Drive

Tuesday, September 25, 2007

6:00 P.M. AMENDED 21Sep07

- 1. CALL TO ORDER, MAYOR OLIVER PARKER**
- 2. PLEDGE OF ALLEGIANCE TO THE FLAG**
- 3. INVOCATION, TOWN CHAPLAIN 7:00 P.M.**
- 4. OLD BUSINESS** (Tabled from the September 14, 2007 Meeting) **6:00-7:00 P.M.**
 - a. Discussion and/or action regarding change to El Mar Drive from present configuration to one lane (Commissioner Silverstone) (Tabled from the September 14, 2007 Meeting)
 - b. Discussion and/or action regarding renewing performing arts center contract (Vice Mayor Yanni) (Tabled from the September 14, 2007 Meeting)
 - c. Discussion and/or action regarding giving the Performing Arts Center priority with dates at Jarvis Hall (Mayor Parker) (Tabled from the September 14, 2007 Meeting)
 - d. Staff has received a request for an additional time extension (unspecified duration) for the Duval Townhomes project located at 4209 and 4215 Seagrape Drive (See attached memorandum and applicant's justification letter) (Walter Keller, Town Planner) (Tabled from the September 14, 2007 Meeting)
 - e. Discussion and/or action regarding Town hiring a fire inspector (Commissioner Silverstone) (Tabled from July 10, 2007 meeting with direction for BSO Fire to attend meeting) (Tabled from the September 14, 2007 Meeting)
 - f. Discussion regarding unauthorized advertisements on Channel 78 "infomercials" at recent group meeting (Commissioner McIntee) (Tabled from the September 14, 2007 Meeting)
- 5. NEW BUSINESS** (Tabled from the September 14, 2007 Meeting) **6:00-7:00 P.M.**

Town Commission Regular Meeting Agenda
September 25, 2007

- a. Discussion and/or action pertaining to Ordinance 2007-04 (Waiving Weekday Parking Meter Fees) (Commissioner Clark) (Tabled from the September 14, 2007 Meeting)
- b. Discussion and/or action to change zoning on the south of Commercial Boulevard from RM-25 to B-1 on the West Side of A1A. (Vice Mayor Yanni) (Tabled from the September 14, 2007 Meeting)
- c. Discussion and/or action pertaining to July 24, 2007 Consent Item 11-E: Construction of Permanent Monument Signage (Commissioner Silverstone) (Tabled from the September 14, 2007 Meeting)
- d. Discussion and/or action for reconsideration of Variance pertaining to 4243 Bougainvilla Drive (Commissioner McIntee) (Tabled from the September 14, 2007 Meeting)
- e. Discussion and/or action pertaining to reduction of one sergeant position with BSO – Police Contract (Commissioner McIntee) (Tabled from the September 14, 2007 Meeting)
- f. Discussion and/or action pertaining to Violation of Town's Code of Ordinance – Order Imposing Fine / Certificate of Lien / Abatement Order (Town Manager Esther Colon) (Tabled from the September 14, 2007 Meeting)
- g. Request to change Regular Commission Meeting date of December 25, 2007 (Town Clerk June White) (Tabled from the September 14, 2007 Meeting)

6. PRESENTATIONS 7:00 P.M.

- a. Marine Biologist
- b. South Florida Water Management

7. REPORTS

- a. End of Month Budget Report for August 2007 (Martin Sherwood – Director of Finance and Budget)
- b. Broward Sheriff's Office Monthly Report for August 2007 (Lt. Caren Pollaccia)
- c. Broward Sheriff's Office Fire Rescue Monthly Report for August 2007 (Chief Sievers)
- d. Development Services Department Monthly Activity Report for August 2007 (Tatiana Solovieva – Acting Development Services Director)
- e. Municipal Services Monthly Report for August 2007 (John Olinzock—Assistant to the Town Manager)

- f. Announcement by Oliver Parker that he is not a candidate for re-election as Mayor or for election to the Commission.
- g. Reappointment of Hillsboro Inlet Commission and discussion and/or action thereon (Mayor Oliver Parker)

8. APPROVAL OF MINUTES

- a. September 5, 2007 Special Commission Meeting

9. PUBLIC COMMENTS

10. ORDINANCES *(2nd Reading)* **“Public Hearings”**

- a. **Ordinance No. 2007-10 - Off-Site Parking:** AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING SECTION 24-5-155 “PARKING OTHER THAN ON-SITE LOCATION” TO SET FORTH CONDITIONS FOR WHEN OFF-SITE PARKING IS ALLOWED; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. (Attorney James Cherof)
- b. **Ordinance No. 2007-11- Drive Through Regulations:** AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING SECTION 24-5-111, “B-1 DISTRICT-BUSINESS” AND SECTION 24-4.4(a)(2)(h) “SITE PLAN REQUIREMENTS” TO SET FORTH CONDITIONS FOR DRIVE THROUGH SERVICE AS AN ACCESSORY USE; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. (Attorney James Cherof)
- c. **Ordinance No. 2007-13 - Moving Election from March to January 2008:** AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE BY THE SEA, FLORIDA PROVIDING FOR THE MODIFICATION OF THE TOWN’S GENERAL MUNICIPAL ELECTION DATES TO COINCIDE WITH THE PRESIDENTIAL PREFERENCE PRIMARY DATE IN 2008 AND IN EACH SUBSEQUENT YEAR THAT IS A MULTIPLE OF FOUR (4) PURSUANT TO SECTION 101.75, FLORIDA STATUTES; SPECIFICALLY PROVIDING FOR THE 2008 GENERAL MUNICIPAL ELECTION IN THE TOWN TO OCCUR ON JANUARY 29, 2008; PROVIDING FOR THE QUALIFYING PERIOD FOR THE GENERAL MUNICIPAL ELECTIONS, AND SPECIFICALLY FOR THE QUALIFYING PERIOD FOR THE 2008 MUNICIPAL GENERAL ELECTION TO OCCUR BETWEEN NOON ON FRIDAY, NOVEMBER 2, 2007 THROUGH NOON ON FRIDAY, NOVEMBER 16, 2007; PROVIDING FOR THE DATE ON WHICH ELECTED OFFICERS TAKE OFFICE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Attorney James Cherof)

- d. Ordinance 2007-14 – Unified Land Development Regulations:** AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE BY THE SEA, FLORIDA, AMENDING CHAPTER 24 OF THE CODE OF ORDINANCES TO PROVIDE A COMPREHENSIVE REVISION TO THE TOWN'S LAND DEVELOPMENT REGULATIONS; PROVIDING FOR THE RENUMBERING AND RECODIFICATION OF THE LAND DEVELOPMENT REGULATIONS AS CHAPTER 30 OF THE CODE OF ORDINANCES; AMENDING OR ADDING PROVISIONS REGARDING FINAL SITE PLANS, SITE PLAN REQUIREMENTS FOR PERVIOUS AREA AND GREENSPACE, ARCHITECTURAL STANDARDS FOR THE RD-10, RM-25, AND RM-50 ZONING DISTRICTS, PROCEDURES AND REQUIREMENTS FOR REZONING INCLUDING APPLICATION PROCESS AND REQUIREMENTS, VESTED RIGHTS DETERMINATIONS, QUASI-JUDICIAL PROCEEDINGS, GENERAL PROVISIONS INCLUDING LEGISLATIVE INTENT, PURPOSE, RULES OF INTERPRETATION, EFFECTIVE STAFF DECISIONS, ENFORCEMENT, VIOLATIONS AND PENALTIES AND COMPUTATION OF TIME, DEFINITIONS, NON-CONFORMING USES AND STRUCTURES, INCLUDING PROVISIONS FOR EXTENSIONS, ALTERATION, ENLARGEMENT AND RECONSTRUCTION, ZONING MAP, INTERPRETATION OF DISTRICT BOUNDARIES, PURPOSE AND INTENT OF ZONING DISTRICTS, CORNER LOT LANDSCAPING IN THE RS-5 ZONING DISTRICT, PLANNED UNIT DEVELOPMENT REGULATIONS, OFF-STREET PARKING REQUIREMENTS IN THE RM-25 ZONING DISTRICT, OFF-STREET PARKING REQUIREMENTS IN THE B-1-A ZONING DISTRICT, OFF-STREET PARKING REQUIREMENTS IN THE B-1 ZONING DISTRICT, BOATS, BOAT LIFTS AND BOAT HOUSES, BOAT DAVITS, HEIGHT OF FENCES, WALLS AND HEDGES, SWIMMING POOL AND DECK SETBACK REQUIREMENTS, ACCESSORY BUILDINGS AND STRUCTURES, OFF-STREET PARKING AND LOADING REQUIREMENTS, TELECOMMUNICATION TOWERS AND ANTENNAS, WINDOW AWNINGS AND ENTRANCE CANOPIES, SIGNS, AND LANDSCAPING; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. (Attorney James Cherof)
- e. Ordinance 2007-15 - Setback Regulations For Construction Site Containers And Regulation Of Portable Storage Units:** AN ORDINANCE OF THE TOWN OF LAUDERDALE BY THE SEA, FLORIDA AMENDING CHAPTER 6, BUILDING AND BUILDINGS REGULATIONS, OF THE TOWN CODE OF ORDINANCES BY AMENDING SECTION 6.8 TO PROVIDE SETBACK REGULATIONS FOR CONSTRUCTION SITE CONTAINERS AND TO ADD A NEW SECTION 6-8,1 TO PROVIDE REGULATION OF PORTABLE STORAGE UNITS; PROVIDING FOR ENFORCEMENTS AND PENALTIES FOR NON-COMPLIANCE; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. (Attorney James Cherof)

- f. Ordinance 2007-03 – Changing the Date of Municipal Elections from March to November:** AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE BY THE SEA, FLORIDA CHANGING THE DATE OF MUNICIPAL ELECTIONS FROM THE SECOND TUESDAY IN MARCH TO THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY IN NOVEMBER IN EVEN NUMBER YEARS COMMENCING IN 2012; PROVIDING FOR EXTENSION OF THE TERMS OF OFFICE FOR ELECTED OFFICIALS AT TIME OF TRANSITION FROM MARCH TO NOVEMBER ELECTIONS; PROVIDING FOR AMENDED QUALIFYING PERIODS; AMENDING CONFLICTING PROVISION IN SECTION 6.1 OF THE TOWN CHARTER; SUBMITTING THE AMENDMENT TO APPROVAL BY REFERENDUM; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE (Attorney James Cherof)

11. COMMISSIONER COMMENTS

12. ORDINANCES (*1st Reading*)

- a. Ordinance No. 2007-12 - Off-Site Parking:** AN ORDINANCE OF THE TOWN OF LAUDERDALE BY THE SEA, FLORIDA, ADDING A NEW ARTICLE IV TO CHAPTER 6 OF THE TOWN CODE OF ORDINANCES ESTABLISHING REGULATIONS AND LICENSING REQUIREMENTS FOR THE RENTAL OF RESIDENTIAL DWELLINGS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. (Attorney James Cherof) Tabled from September 14, 2007

13. CONSENT AGENDA

- a.** Change Order – North Seagrape Drive (Town Planner Walter Keller)
- b.** Commission approval of Increase to Irrigation/Landscape costs for Bouginvilla Drive Parking Lot for Landscape Service Professionals, Inc. (John Olinzock – Assistant to Town Manager)
- c.** Application for Jarvis Hall – Halloween (John Olinzock – Assistant to Town Manager)
- d.** Application for Jarvis Hall – Easter Egg Hunt (John Olinzock – Assistant to Town Manager)
- e.** Issuance of Hardship Permit (John Olinzock – Assistant to Town Manager)
- f.** Award of Contract for Construction of Jarvis Hall Patio Enclosure to MBR Construction, Fort Lauderdale, FL., in the amount of \$251,788.00 plus Change Order for Fire Sprinklers estimated to cost \$40,000.00 (John Olinzock – Assistant to Town Manager)

Town Commission Regular Meeting Agenda
September 25, 2007

- g. Commission Approval of 1st Amendment to Agreement with Global Coral Reef Alliance, a New York 501(C) (3) Corporation in the amount of \$16,200.00 for a revised amount of \$76,480.00 (Mayor Parker)
 - h. Application for Jarvis Hall-Fireman's Ball November 10, 2007 (John Olinzock - Assistant to Town Manager)
- 14. **RESOLUTION**
- 15. **OLD BUSINESS**
 - a. Master Plan Steering Committee Beach Pavilion Architect Recommendation (Walter Keller – Town Planner)
- 16. **NEW BUSINESS**
 - a. Discussion regarding referendum to allow North Beach condos to pay for their own Fire Department and return LBTS VFD to the old town for fire protection (Commissioner McIntee)
 - b. Review the Jarvis Hall Use Ordinance
- 17. **TOWN MANAGER REPORT**
- 18. **TOWN ATTORNEY REPORT**
- 19. **PUBLIC COMMENTS** (remaining members of the public to speak at this time)
- 20. **FUTURE AGENDA ITEMS**

September 27, 2007

- a. Resolution 2007-19 – Final Millage 2007-2008
- b. Resolution 2007-20 – Final Budget 2007-2008

October 9, 2007

- a. Report on the allocation of parking lots to serve the various restaurants in the Town's core area (per Commission directive at March 27, 2007 meeting)

November 13, 2007

- c. Discussion and/or action regarding placing pavers on El Mar Drive for the Coral Key project (Mayor Parker – Tabled from the July 10, 2007 meeting)

December 11, 2007

- a. City of Ft. Lauderdale / Sale of Water System – Report by Mark Darmanin, City of Ft. Lauderdale (James Cherof) Regarding The Advantage Of The Sale, The Reason For The Surcharge, And The Value – (From The September 11, 2007 Meeting)

Items Tabled until Uncertain Date

- a. Discussion and/or action regarding BSO letter of complaint dated 4/11/07 and event report dated 4/7/07 (Mayor Parker) (Pending IA report)
- b. Report on public records request regarding tape referred to in 4/27/07 Commission Meeting (Mayor Parker) (Pending IA report)
- c. Approximate Costs for the Town to Perform Solid Waste Collection

21. ADJOURNMENT

THE TOWN OF LAUDERDALE-BY-THE-SEA WILL FURNISH APPROPRIATE AUXILIARY AIDS AND SERVICES NECESSARY TO AFFORD INDIVIDUALS AN EQUAL OPPORTUNITY TO PARTICIPATE IN MEETINGS OF THE TOWN COMMISSION. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATUTE 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE TOWN CLERK NO LATER THAN TWO (2) DAYS PRIOR TO THE MEETING AT (954) 776-0576 FOR ASSISTANCE.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE TOWN COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSES MAY NEED TO INSURE THAT A VERBATIM RECORDING OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.